

## **REMARKS**

The December 22, 2010 Office Action identifies the following issues:

- The certified copy of the Australian priority application is required.
- The drawings are objected to under 37 CFR 1.83(a).
- Claims 1-10, 12, 14-16 and 18 stand rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement.
- Claims 1-10, 12, 14-16 and 18 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- Claims 19-21 stand rejected under 35 U.S.C. §102(b) as being anticipated by Grim (U.S. Patent No. 5,366,128).
- Claims 22-24 stand rejected under 35 U.S.C. §102(b) as being anticipated by Poulet (FR 2832371 A).
- Claims 1-5, 7-10, 12 and 14-16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Stemmler (EP 694441 A1) in view of Gerber (U.S. Patent No. 5,002,216).
- Claims 1-10, 14, and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Schmidt et al. (DE 4315029 A1) in view of Stemmler, further in view of Gerber.

Applicant respectfully submits that the following remarks address each of the rejections above and places the present application in condition for allowance.

## **EXAMINER INTERVIEW**

The undersigned on behalf of the Applicant conducted an interview with the Examiner on March 16, 2011 to discuss the present application and the pending claims. The undersigned and Applicant thank the Examiner for the courtesy of the interview. During the interview, the undersigned and Examiner discussed the primary references cited in the Office Action and the application of such to independent claims 1, 19 and 22.

During the interview, the undersigned agreed to amend the claims as set forth herein. It is the undersigned's understanding that the Examiner agreed that if the Applicant were to amend the claims as set forth herein he would allow the application. The undersigned would welcome an opportunity to discuss further the primary references and the pending claims if this understanding is not correct.

Finally, during the interview the Examiner requested that the undersigned clarify paragraph [0039] of the specification. Applicant, therefore, agreed to amend paragraph [0039] to clarify that the cover 24 is movable to a third position when released, which position exposes the ends of the flanges 47 and the end of the cavity 46 so that objects may be mounted on the bar by having portions thereof moved along the cavity 46 and engage the flanges 47. In addition, Applicant corrected a minor typographical error in paragraph [0039]. Applicant respectfully submits that no new matter has been added by way of this amendment.

#### **Certified Copy of Priority Application**

Applicant includes with this response the certified copy of the priority application from Australia. As such, Applicant respectfully requests withdrawal of this rejection and respectfully requests indication that this application is allowable.

#### **Drawings**

Applicant amended independent claim 1 to remove the claim limitation of "an open ended eyelet." As such, Applicant submits that the drawings are compliant as the limitation of an open-ended eyelet has been deleted. Applicant, therefore, respectfully requests withdrawal of

the objection to the drawings and respectfully requests that the drawings as previously presented be accepted.

**Claims 1-10, 12, 14-16 and 18 Are Patentable**

Applicant amended independent claim 1 to remove the claim limitation of “an open ended eyelet.” Applicant, therefore, respectfully requests withdrawal of the 112, first paragraph rejection and respectfully requests indication that claims 1-10, 12, 14-16 and 18 be indicated as allowable.

**Claims 1-10, 12, 14-16 and 18 Are Patentable**

Applicant amended independent claim 1 to remove the claim limitation of “an open ended eyelet.” Applicant, therefore, respectfully requests withdrawal of the 112, second paragraph rejection and respectfully requests indication that claims 1-10, 12, 14-16 and 18 be indicated as allowable.

**Claims 19-21 Are Patentable over Grim**

Claims 19-21 stand rejected under 35 U.S.C. §102(b) as being anticipated by Grim. Applicant amended independent claim 19 to include the limitation of “a track located on the base,” and clarified that “the pivot point is capable of sliding along the track.” Applicant respectfully submits that Grim does not disclose, teach or suggest this limitation. The Office Action identifies element 44 as the track (see Office Action page 5). As provided in column 4, lines 25-35 of Grim, the grooves and ridges 44 mate with alternating grooves and ridges 43 to prevent slippage in a transverse direction. The pivot point 23 of the cover (not identified by a

number) does not slide and is not capable of sliding along the grooves and ridges 44 to move from the first position to the second position. Alternatively, the grooves and ridges 44 appear to be a part of the cover that prevents the cover from moving transversely. Accordingly, Applicant respectfully submits that independent claim 19 is allowable over Grim and respectfully requests indication of such.

Applicant canceled claim 20, and therefore, the rejection of such is now moot. As claim 21 depends from independent claim 19, the arguments above apply equally to this claim. Accordingly, Applicant respectfully submits that claim 21 is allowable over Grim and respectfully requests indication that claim 21 is so allowable.

#### **Claims 22-24 Are Patentable over Poulet**

Claims 22-24 stand rejected under 35 U.S.C. §102(b) as being anticipated by Poulet. Applicant amended independent claim 22 and respectfully submits that Poulet does not disclose the elements of amended independent claim 22. Specifically, Poulet fails to disclose, teach or suggest “a cover mounted on the base at a pivot, wherein the pivot is moveable relative to the base from a first position to a second position while the cover remains mounted to the base,” (emphasis added). In reviewing the sequence of figures in Poulet going from the open position in Figure 2 to the intermediary position in Figure 4 to the closed position in Figure 5, it appears that the pivot 46 of the cover 45 of Poulet is not moveable relative to the base from a first position to a second position. As is shown in the drawings, the pivot 46 of Poulet is instead fixed. Accordingly, Applicant respectfully submits that amended independent claim 22 is allowable over Poulet and respectfully requests indication of such.

Applicant canceled claim 23, and therefore, the rejection of such is now moot. As claims 24 and 25 depend, either directly or indirectly, from independent claim 22, the arguments above apply equally to this claim. Accordingly, Applicant respectfully submits that claims 24 and 25 are allowable over Poulet and respectfully requests indication that claims 24 and 25 are so allowable.

**Claims 1-5, 7-10, 12 and 14-16 Are Patentable Over Stemmler in view of Gerber**

Claims 1-5, 7-10, 12, and 14-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Stemmler in view of Gerber. Applicant amended independent claim 1 and respectfully submits that the combination of Stemmler and Gerber fail to disclose, teach or suggest the claim elements of amended independent claim 1. Specifically, Applicant respectfully submits that the combination of Stemmler and Gerber fail to disclose, teach or suggest “the pivot being movable relative to the base to a second position while the cover remains mounted to the base wherein the longitudinal mount portion is exposed.” The portion in Stemmler that could arguably be the pivot, which Applicant believes would be where the edge of cover 17 meets the base 3a, is incapable of being movable relative to the base to a second position while the cover remains mounted to the base. It is Applicant’s belief that the cover 17 would not remain mounted to the base as the cover 17 is removable relative to the base (see Figure 1 of Poulet). Accordingly, Applicant respectfully submits that independent claim 1 is allowable over the combination of Stemmler and Gerber. Applicant respectfully requests indication that independent claim 1 is allowable.

As claims 2-5, 7-10, 12 and 14-16 depend either directly or indirectly from independent claim 1, the arguments above likewise apply to these claims. Accordingly, Applicant

respectfully submits that claims 2-5, 7-10, 12 and 14-16 are allowable over the combination of Stemmler and Gerber and respectfully requests indication of such.

**Claims 1-10, 14, and 18 Are Patentable Over Schmidt et al. in view of Stemmler, further in  
view of Gerber**

Claims 1-10, 14 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schmidt in view of Stemmler, further in view of Gerber. Applicant respectfully submits that the combination of Schmidt, Stemmler and Gerber fail to disclose, teach or suggest the claim elements of the amended independent claim 1. Specifically, Applicant contends that the combination of Schmidt, Stemmler and Gerber fail to disclose, teach or suggest the pivot being movable relative to the base to a second position while the cover remains mounted to the base. As previously argued, the portion in Stemmler that could arguably be the pivot, which would be where the edge of cover 17 meets the base 3a, is incapable of being movable relative to the base to a second position while the cover remains mounted to the base. Likewise, Schmidt fails to disclose, teach or suggest “the pivot being movable relative to the base to a second position while the cover remains mounted to the base wherein the longitudinal mount portion is exposed.” The pivot 4e of Schmidt is not moveable from its fixed position. This can be seen when comparing Figure 2 where the cover is in the closed position to Figure 3 when the cover is in the open position. The pivot 4e is in the same position in both Figures 2 and 3, it is incapable of moving. Accordingly, Applicant respectfully submits that independent claim 1 is allowable over the combination of Schmidt, Stemmler and Gerber. Applicant respectfully requests indication that independent claim 1 is allowable.

As claims 2-10, 14 and 18 depend either directly or indirectly from independent claim 1, the arguments above likewise apply to these claims. Accordingly, Applicant respectfully submits that claims 2-10, 14 and 18 are allowable over the combination of Schmidt, Stemmler and Gerber and respectfully request indication of such.

Finally, Applicant amended claims 3, 4, 5, 8, 9, 12, 14 and 15 in order to correct certain errors present in those claims either due to amendments made to claims from which they depend or due to non-intentional typographical errors present. None of the amendments made were due to rejections, but solely to correct the errors present. Additionally, Applicant added no new matter by way of these amendments. Applicant respectfully requests indication that these claims are allowable.

### **Conclusion**

In light of the foregoing, Applicant submits that the application is now in condition for allowance. If the Examiner has any questions pertaining to the above, then the undersigned attorney would welcome a phone call to provide any further clarification.

Respectfully submitted,

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